

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STANLEY LIGAS, by his sister and next friend, Gina	)	
Foster; LORENE BIERMAN, by her guardians, Darlene	)	
and Joseph Bierman; DAVID CICARELLI, by his	)	
guardians James and Julianne Cicarelli; ISAIAH FAIR,	)	
by his guardian, Lutricia Fair; ADAM KULIG, by his	)	
guardian, Norb Kulig; JAMIE McELROY, by his	)	
guardian, Patricia McElroy; and JENNIFER WILSON,	)	
by her guardians, Nancy and Richard Wilson,	)	
	)	
Plaintiffs,	)	No. 05-4331
	)	
vs.	)	Pending Before
	)	Chief Judge
BARRY S. MARAM, in his official capacity as Director	)	James F. Holderman
of the Illinois Department of Healthcare and Family	)	
Services, and CAROL L. ADAMS, in her official	)	
capacity as Secretary of the Illinois Department of	)	
Human Services,	)	
	)	
Defendants.	)	

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**NOTICE OF DECERTIFICATION OF CLASS ACTION**

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**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY**

**TO:** All persons in Illinois eighteen (18) years of age or older with a developmental disability, their family members and/or guardians, Preadmission Screening Agencies, and disability rights advocacy organizations in Illinois.

**PURPOSE OF THIS NOTICE**

The Court sent you this notice to let you know about a recent change in the status of the above-captioned lawsuit which may affect the rights of individuals with developmental disabilities.

**ABOUT THE LAWSUIT**

Plaintiffs filed this action on July 28, 2005, on behalf of themselves and a class of similarly situated Illinois residents, seeking to prevent their unnecessary segregation in ICF-DDs. The named Plaintiffs are seven adults with developmental disabilities who are currently institutionalized in ICF-DDs, or who are at risk for placement in such institutions. The Defendants are Barry Maram, who is the Director of the Illinois Department of Healthcare and Family Services, and Carol Adams, who is the Secretary of the Illinois Department of Human

Services. The Defendants are responsible for administering the State of Illinois' programs for people with developmental disabilities. The lawsuit seeks to compel the State of Illinois (through the Defendants) to comply with federal law and rulings of the U.S. Supreme Court, and to bring Illinois in line with prevailing national practices, by offering individuals with developmental disabilities the opportunity to make meaningful, informed choices about whether to live in community settings instead of private Intermediate Care Facilities for the Developmentally Disabled ("ICF-DDs").

Previously, the Court ruled that the case should be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure. The class that was certified included:

All persons in Illinois eighteen (18) years of age or older who:

- (a) have mental retardation and/or other Developmental Disabilities and who are eligible for Medicaid ICF/MR services;
- (b) with appropriate supports and services, could live in the community; and
- (c) either: (i) are, or will in the future be, institutionalized in private ICF-DDs with nine or more residents or (ii) are, or will in the future be, living in a home-based setting and are at risk of institutionalization because of their need for services.

#### **DECERTIFICATION OF THE CLASS AND HOW YOUR LEGAL RIGHTS ARE AFFECTED BY THE DECERTIFICATION**

However, on July 7, 2009, the Court determined that the case should no longer proceed as a class action, and instead should proceed as an individual lawsuit. In addition, a settlement between the parties in the form of a proposed Consent Decree also was rejected by the Court. Therefore, all persons who are members of the class described above are no longer parties to this lawsuit and their individual rights and claims are no longer being addressed or represented in this lawsuit.

Nothing in this Notice is an expression by the Court as to the likelihood of success in obtaining relief or as to the merits of any claim(s) which a member of the now-decertified class may assert. This notice is intended merely to advise you of the decertification of the class and status of the case.

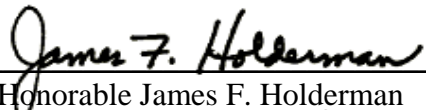
If you are a member of the class described above, and you believe that you have been denied the opportunity to choose to live in a community setting or have been denied the opportunity to make an informed decision about whether to live in a small, community setting, you may still file an individual claim or lawsuit against the above-named Defendants on your

own. If you wish to bring such a claim, you should be aware that, upon decertification by the Court, the statute of limitations as to your individual claim began to run.

#### **ADDITIONAL INFORMATION AND INQUIRIES**

For a copy of the Court's decertification order, as well as a complete description of the claims initially filed in the First Amended Complaint, you can find the materials at <http://www.equipforequality.org>. You may also examine and copy these materials in the office of the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn, Chicago, Illinois 60604.

DATED: July 30, 2009

  
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The Honorable James F. Holderman  
United States District Court Judge

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